

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby amends Chapter 92, "Iowa Fatality Review Committee," Iowa Administrative Code.

The rules in Chapter 92 describe the formation of and protocol for the Iowa fatality review committee, an ad hoc committee appointed on a case-by-case basis to determine whether the Department of Human Services and others involved with a case of child abuse resulting in the death of a child responded appropriately. These amendments place the responsibility for this committee in the State Medical Examiner's office.

Notice of Intended Action was published in the November 17, 2010, Iowa Administrative Bulletin as **ARC 9236B**. No comments were received. The adopted amendments are identical to those published under Notice.

The State Board of Health adopted these amendments on January 12, 2011.

These amendments will become effective on March 16, 2011.

These amendments are intended to implement Iowa Code section 135.43.

The following amendments are adopted.

ITEM 1. Rescind the definition of "Director" in rule **641—92.2(135)**.

ITEM 2. Amend rule 641—92.3(135) as follows:

**641—92.3(135) Committee.** The committee is an ad hoc committee appointed by the ~~director~~ state medical examiner on a case-by-case basis. The committee shall include a medical examiner, a pediatrician who is knowledgeable concerning deaths of children, and a person involved in law enforcement. The committee may also consult with individuals with specific child death expertise as necessary to perform the duties and responsibilities of the committee. The ~~department~~ office of the state medical examiner shall provide staffing and administrative support to the committee.

ITEM 3. Amend rule 641—92.4(135) as follows:

**641—92.4(135) Formation of the committee.** The ~~director~~ state medical examiner may appoint a committee to review the death of a child under the age of 18 upon the request from a member of the legislature or the governor in cases in which a report of suspected child abuse had been filed with the department of human services pursuant to Iowa Code section 232.70 within two years preceding the child's death.

ITEM 4. Amend subrule 92.6(1) as follows:

**92.6(1)** Upon completion of the review, the ~~director~~ state medical examiner shall submit the committee's report to:

*a. to c.* No change.

ITEM 5. Adopt the following new subrule 92.6(3):

**92.6(3)** If deemed appropriate by the committee, the committee may, at any point in the review, recommend to the department of human services, appropriate law enforcement agencies, and any other person involved with child protection, interventions intended to prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the committee.

[Filed 1/18/11, effective 3/16/11]

[Published 2/9/11]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/9/11.